

jc965 U.S. PRO
12/04/01

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Please type a plus sign (+) inside this box.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	101646-6
---------------------	----------

First Inventor	Peter J. Klopotek
----------------	-------------------

<i>Title</i>	Method And Apparatus for Therapeutic, etc.
--------------	--

Express Mail Label No.	EL 835 822 539 US
------------------------	-------------------

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

Box Patent Application
ADDRESS TO: U.S. Patent & Trademark Office
P.O. Box 2327, Arlington, VA 22202

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 18]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Formal Document(s) (35 U.S.C. 113) [Total 7]
Sheets
5. Oath or Declaration [Total Pages 4]
- a. ☐ executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)
Signed statement attesting deleting
inventor(s) named in the prior application,
see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (*Appendix*)
- 8 ☐ Nucleotide and/or Amino Acid Sequence Submission
(*if applicable, all necessary*)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

- | | | | |
|-----|-------------------------------------|---|--|
| 9. | <input type="checkbox"/> | Assignment Papers (cover sheet & document(s)) | |
| 10. | <input type="checkbox"/> | 37 CFR 3.73(b) Statement
(when there is an assignee) | <input type="checkbox"/> Power of Attorney |
| 11. | <input type="checkbox"/> | English Translation Document (if applicable) | |
| 12. | <input type="checkbox"/> | Information Disclosure
Statement (IDS/PTO-1449) | <input type="checkbox"/> Copies of IDS Citations |
| 13. | <input checked="" type="checkbox"/> | Preliminary Amendment | |
| 14. | <input checked="" type="checkbox"/> | Return Receipt Postcard (MPEP 503)
(Should be specifically itemized) | |
| 15. | <input type="checkbox"/> | Certified Copy of Priority Document(s)
(if foreign priority is claimed) | |
| 16. | <input type="checkbox"/> | Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent. | |
| 17. | <input checked="" type="checkbox"/> | Other: Check for \$370.00 | |

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/340,997

Prior application information: Examiner E. Mantis Mercader Group / Art Unit: 3737

For CONTINUATION or DIVISIONAL APPS only. The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

021125

or ☐ Correspondence address below

Name	NUTTER MCCLENNEN & FISH LLP Thomas J. Engellenner
------	--

Address	One International Place
---------	-------------------------

City	Boston
------	--------

State

Zip Code

Country	US
---------	----

Telephone	(617) 439-2948
-----------	----------------

<i>Fax</i>	(617) 310-9948
------------	----------------

Name (Print/Type)

Registration No. (Attorney/Agent)

Signature

Date _____

December 4, 2001

Transmittal-New Utility Patent Application

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL835822539US, in an envelope addressed to: Box Patent Application, U.S. Patent & Trademark Office, P.O. Box 2327, Arlington, VA 22202, on the date shown below

Dated December 4, 2001

Signature

(Thomas J. Engellenner)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	Not Yet Assigned
Filing Date	Herewith (December 4, 2001)
First Named Inventor	Peter J. Klopotek
Prior Examiner Name	E. Mantis Mercader
Prior Group Art Unit	3737
Attorney Docket No.	101646-6

TOTAL AMOUNT OF PAYMENT (\$) 370.00

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 141449

Deposit Account Name

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 370.00

2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	1	-20** = 0	X
Independent Claims	1	-3** = 0	X
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 370.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (print/type) Thomas J. Engellner

Signature

Registration No. (Attorney/Agent)

28,711

Complete (if applicable)

Telephone (617) 439-2948

Date

December 4, 2001

Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 835 822 539 US, in an envelope addressed to: Box Patent Application, United States Patent & Trademark Office, P.O. Box 2327, Arlington, VA 22202, on the date shown below.

Dated: December 4, 2001

Signature:

(Thomas J. Engellner)